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CHOUDHURY, AZIZUL Q	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/972,424	MATICHUK ET AL.	
	Examiner	Art Unit	
	AZIZUL CHOUDHURY	2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 September 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Detailed Action

This office action is in response to the correspondence received on September 23, 2010.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6-7, 11-21, 23-26 and 28-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian (US Patent No: 6,163,316) in view of Klosterman et al (US Patent No: 5,940,073), hereafter referred to as Killian and Klosterman, respectively.

1. With regards to claim 1, Killian teaches through Klosterman, a method of programming a media-based device over a network, the method comprising: displaying an advertisement for a broadcast program to be provided on a first web site (column 5, lines 10-29, Killian), wherein the broadcast program is scheduled to be broadcast at a predetermined start time (column 8, lines 19-26, Killian); processing selection of the advertisement; and in response to selection of the advertisement, automatically remotely programming (see Klosterman below) the media-based device from a different physical location to record the

broadcast program at the predetermined start time (Killian teaches how a website interface allows a user to select to record a show on a recorder at the predetermined start time; column 5, line 51 – column 6, line 5 and column 8, lines 19-26, Killian. Furthermore, Killian's recording device (element 20, Figure 1) is separate from the database server and the television; see at least Figure 1, Killian. Hence they are not within one device/component nor are they located at the same exact location. They are all remote from one another).

While Killian does teach the scheduling of the recording of a show through a web interface, Killian does not explicitly cite the selection of an advertisement to start the scheduling of the recording of the programming. In the same field of endeavor, Klosterman also teaches an interactive program guide. Klosterman's design allows for schedule information to be viewed through a computer; see column 1, lines 55-62, Klosterman. While viewing through the computer, the user is allowed to click on an advertisement which allows for the remote (the recording device can be separate from the computer) automatic scheduling of the recording of the infomercial/program; see column 2, lines 14-17 and column 4, lines 24-60, Klosterman. By selecting the advertisement for scheduling a recording, the user streamlines the scheduling process by eliminating the need for selecting the desired program to record. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Killian with those of Klosterman, to allow for the

scheduling of the desired program by clicking on an advertisement; see column 2, lines 14-17, Klosterman.

2. With regards to claim 2, Killian teaches through Klosterman, the method wherein the advertisement comprises a hyperlink to a second web site capable of accessing the media-based device, the hyperlink being embedded in the first web site (Killian teaches how a link leads a viewer to a second site; column 5, lines 19-21, Killian. The show can be recorded from the webpage; column 5, line 51 – column 6, line 5, Killian. Plus, Klosterman teaches how a user is allowed to click on an advertisement which allows for the scheduling of the recording of the infomercial/program; see column 2, lines 14-17, Klosterman).

3. With regards to claim 3, Killian teaches through Klosterman, the method, wherein processing selection of the advertisement and allowing automatic programming of the media-based device are invoked by one click on the hyperlink (Killian allows for various input devices, including a mouse and touch screen and teaches the use of hyperlinks; column 4, lines 47-50 and column 5, lines 10-29, Killian. Plus, Klosterman teaches how a user is allowed to click on an advertisement which allows for the scheduling of the recording of the infomercial/program; see column 2, lines 14-17, Klosterman).

4. With regards to claim 6, Killian teaches through Klosterman, the method, wherein the media-based device comprises a video replay system (element 20, Figure 1, Killian).

5. With regards to claim 7, Killian teaches through Klosterman, the method, wherein processing selection of the advertisement comprises: identifying a user selecting the advertisement; and authenticating the user with the media-based device (Killian's design tracks users through viewer profiles; column 10, lines 1-17, Killian. Plus, Klosterman's design allows for users to authorize payment of a program (authentication of user) to ensure the proper content is sent to the proper recipient; see column 2, lines 50-60, Klosterman).

6. With regards to claim 11, Killian teaches through Klosterman, the method, wherein identifying a user selecting the advertisement comprises: enabling linking of the first web site to a second web site; allowing navigation to the second web site; and in response, the second web site enabling prompting of a user for identification data (column 10, lines 40-44, Killian).

7. With regards to claim 12, Killian teaches through Klosterman, the method, wherein identifying a user selecting the advertisement comprises: enabling determination of a URL for the first web site; and enabling determination of partner identification information associated with the first web site (Killian's

design allows for hyperlinks; column 10, lines 40-44, Killian. It is inherent that when a link is clicked, it will redirect/open a new site/data).

8. With regards to claim 13, Killian teaches through Klosterman, the method, wherein automatic programming of the media-based device to record the broadcast program comprises: enabling determination of a user associated with the media-based device; allowing navigation from the first web site to a second web site; and allowing the user to log into the second web site (Killian's design tracks users through viewer profiles; column 10, lines 1-17, Killian).

9. With regards to claim 14, Killian teaches through Klosterman, the method, wherein the advertisement comprises a clickable online advertisement for a broadcast program to be aired (Killian teaches how a website interface allows a user to select to record a show on a recorder at the predetermined start time; column 5, line 51 – column 6, line 5 and column 8, lines 19-26, Killian. Plus Klosterman teaches clickable advertisements for recording programs; see column 2, lines 14-17, Klosterman).

10. With regards to claim 15, Killian teaches through Klosterman, the method, where broadcast program comprises a television program (column 3, line 59 – column 4, line 19, Killian).

11. With regards to claim 16, Killian teaches through Klosterman, the method, where broadcast program comprises a cable program (column 3, line 53 – column 4, line 19, Killian).

12. With regards to claim 17, Killian teaches through Klosterman, the method, where broadcast program comprises a pay-per-view program (column 3, line 59 – column 4, line 19, Killian).

13. With regards to claim 18, Killian teaches through Klosterman, the method, where broadcast program comprises a satellite-based program (column 3, line 53 – column 4, line 19, Killian).

14. With regards to claim 19, Killian teaches through Klosterman, a method of programming a media-based device to record content through a web based application, comprising: receiving a selection of an advertisement of a broadcast program to be aired at a predetermined start time (column 8, lines 5-26, Killian); extracting identification information associated with a user making the selection and with broadcast program (column 8, lines 5-26, Killian); accessing a source web service in response to the user selection received (column 8, lines 5-26 and Figure 1, Killian); logging into the source web service using the identification information (equivalent to viewer profiles; see column 9, lines 10-25 and column 10, lines 1-17, Killian); and the source web service remotely programming the

media-based device at a remote location from the user making the selection to record the broadcast program selected at the predetermined start time (See at least column 8, lines 19-26, Killian. Furthermore, Killian's recording device (element 20, Figure 1) is separate from the database server and the television; see at least Figure 1, Killian. Hence they are not within one device/component nor are they located at the same exact location. They are all remote from one another).

While Killian does teach the scheduling of the recording of a show through a web interface, Killian does not explicitly cite the selection of an advertisement to start the scheduling of the recording of the programming. In the same field of endeavor, Klosterman also teaches an interactive program guide. Klosterman's design allows for schedule information to be viewed through a computer; see column 1, lines 55-62, Klosterman. While viewing through the computer, the user is allowed to click on an advertisement which allows for the scheduling of the recording of the infomercial/program; see column 2, lines 14-17, Klosterman. By selecting the advertisement for scheduling a recording, the user streamlines the scheduling process by eliminating the need for selecting the desired program to record. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Killian with those of Klosterman, to allow for the scheduling of the desired program by clicking on an advertisement; see column 2, lines 14-17, Klosterman.

15. With regards to claims 20, 25 and 30, Killian teaches through Klosterman, a method, wherein the media-based device records the broadcast program with one click from the user of the advertisement (Killian allows for various input devices, including a mouse and touch screen and teaches the use of hyperlinks; column 4, lines 47-50 and column 5, lines 10-29, Killian. Plus, Klosterman teaches how users can click on an advertisement to schedule the recording of a program; see column 2, lines 14-17, Klosterman).

16. With regards to claims 21, 26 and 39, Killian teaches through Klosterman, a method, wherein the advertisement comprises a clickable online advertisement for a broadcast program (Killian allows for various input devices, including a mouse and touch screen and teaches the use of hyperlinks; column 4, lines 47-50 and column 5, lines 10-29, Killian. Plus, Klosterman teaches how users can click on an advertisement to schedule the recording of a program; see column 2, lines 14-17, Klosterman).

17. With regards to claims 23, 28, 32, 34, 36 and 38, Killian teaches through Klosterman, a method, wherein the media-based device comprises a digital video recorder (column 3, lines 10-12, Killian).

18. With regards to claim 24, Killian teaches through Klosterman, a computer-implemented method for controlling a media-based device through a

virtual browser, the method comprising; the steps of the virtual browser: receiving from a client system a selection of an advertisement of a broadcast program to be aired (column 8, lines 5-26, Killian); extracting identification information associated with a user making the selection and with the broadcast program (column 8, lines 5-26, Killian); accessing an online web service using the identification information (equivalent to viewer profiles; see column 9, lines 10-25 and column 10, lines 1-17, Killian); and invoking the media-based device to record the broadcast program selected (column 8, lines 19-26, Killian), wherein the media-based device is remotely located at a different physical location from the client system (Killian's recording device (element 20, Figure 1) is separate from the database server and the television; see at least Figure 1, Killian. Hence they are not within one device/component nor are they located at the same exact location. They are all remote from one another).

While Killian does teach the scheduling of the recording of a show through a web interface, Killian does not explicitly cite the selection of an advertisement to start the scheduling of the recording of the programming. In the same field of endeavor, Klosterman also teaches an interactive program guide. Klosterman's design allows for schedule information to be viewed through a computer; see column 1, lines 55-62, Klosterman. While viewing through the computer, the user is allowed to click on an advertisement which allows for the scheduling of the recording of the infomercial/program; see column 2, lines 14-17, Klosterman. By selecting the advertisement for scheduling a recording, the user streamlines

the scheduling process by eliminating the need for selecting the desired program to record. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Killian with those of Klosterman, to allow for the scheduling of the desired program by clicking on an advertisement; see column 2, lines 14-17, Klosterman.

19. With regards to claim 29, Killian teaches through Klosterman, method for programming a media-based device that is network enabled, comprising: receiving from a client system a user command that causes a first server to access a second server, the first server transmitting identifying information of the user to the second server (Figure 1, elements 46 and 48, Killian); the second server authenticating the user based on the identifying information (see viewer profiles; see column 9, lines 10-25 and column 10, lines 1-17, Killian); the second server remotely accessing the media-based device over a network to program the media-based device (see Klosterman below) with the identifying information (column 8, lines 19-26, Killian), wherein the media-based device is at a different physical location from the client system (Killian's recording device (element 20, Figure 1) is separate from the database server and the television; see at least Figure 1, Killian. Hence they are not within one device/component nor are they located at the same exact location. They are all remote from one another)

While Killian does teach the scheduling of the recording of a show through a web interface, Killian does not explicitly cite the authenticating of the user based

on identifying information. In the same field of endeavor, Klosterman also teaches an interactive program guide. Klosterman's design allows for schedule information to be viewed through a computer; see column 1, lines 55-62, Klosterman. The recording device can be separate from the computer within Klosterman's design as well; see column 4, lines 24-60, Klosterman. When the user wishes a program to be schedule for recording, the user is authenticated by authorizing payment; see column 2, lines 50-60, Klosterman. By authenticating users, the system ensures that the appropriate content is sent to the appropriate users. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Killian with those of Klosterman, to allow for the scheduling of the desired program by authorizing payments; see column 2, lines 50-60, Klosterman.

20. With regards to claim 31, Killian teaches through Klosterman, the method, wherein the advertisement identifies a broadcast program to be aired, and the identifying; information comprises data related to the broadcast program (column 8, lines 19-26, Killian)

21. With regards to claim 33, Killian teaches through Klosterman, a system, comprising: a client side system remotely located at a different location than a media-based device (Killian's recording device (element 20, Figure 1) is separate from the database server and the television; see at least Figure 1, Killian. Hence

they are not within one device/component nor are they located at the same exact location. They are all remote from one another); the client side system enabled to allow selection of an online advertisement for a broadcast program while navigating a first web site, wherein the broadcast program is scheduled to be broadcast at a predetermined start time (column 8, lines 5-26, Killian); and a server side system enabled to automatically program (see Klosterman below) a media-based device to record the broadcast program after selection of the online advertisement (column 8, lines 5-26 and Figure 1, Killian), the media-based device being communicatively coupled to the server side system over a network in response to the advertisement being selected (Furthermore, Killian's recording device (element 20, Figure 1) is separate from the database server and the television; see at least Figure 1, Killian. Hence they are not within one device/component nor are they located at the same exact location. They are all remote from one another)

While Killian does teach the scheduling of the recording of a show through a web interface, Killian does not explicitly cite the selection of an advertisement to start the scheduling of the recording of the programming. In the same field of endeavor, Klosterman also teaches an interactive program guide. Klosterman's design allows for schedule information to be viewed through a computer; see column 1, lines 55-62, Klosterman. While viewing through the computer, the user is allowed to click on an advertisement which allows for the automatic scheduling of the remote recording of the infomercial/program; see column 2,

lines 14-17 and column 4, lines 24-60, Klosterman. By selecting the advertisement for scheduling a recording, the user streamlines the scheduling process by eliminating the need for selecting the desired program to record. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Killian with those of Klosterman, to allow for the scheduling of the desired program by clicking on an advertisement; see column 2, lines 14-17, Klosterman.

22. With regards to claim 35, Killian teaches through Klosterman, a browser program product for programming a media-based device over a network, the browser program product stored on a computer readable medium and adapted to perform the operations of: displaying an advertisement for a broadcast program to be provided on a first web site (column 5, lines 10-29, Killian), wherein the broadcast program is scheduled to be broadcast at a predetermined start time (column 8, lines 19-26, Killian); providing selection of the advertisement (column 5, line 51 – column 6, line 5, Killian); and in response, automatically remotely programming the media-based device at a different physical location to record (see Klosterman below) the broadcast program after selection of the advertisement (Killian teaches how a website interface allows a user to select to record a show on a recorder at the predetermined start time; column 5, line 51 – column 6, line 5 and column 8, lines 19-26, Killian. Furthermore, Killian's recording device (element 20, Figure 1) is separate from the database server and the television; see at least

Figure 1, Killian. Hence they are not within one device/component nor are they located at the same exact location. They are all remote from one another).

While Killian does teach the scheduling of the recording of a show through a web interface, Killian does not explicitly cite the selection of an advertisement to start the scheduling of the recording of the programming. In the same field of endeavor, Klosterman also teaches an interactive program guide. Klosterman's design allows for schedule information to be viewed through a computer; see column 1, lines 55-62, Klosterman. While viewing through the computer, the user is allowed to click on an advertisement which allows for the automatic scheduling of the recording of the infomercial/program on a separate recording device; see column 2, lines 14-17 and column 4, lines 24-60, Klosterman. By selecting the advertisement for scheduling a recording, the user streamlines the scheduling process by eliminating the need for selecting the desired program to record. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Killian with those of Klosterman, to allow for the scheduling of the desired program by clicking on an advertisement; see column 2, lines 14-17, Klosterman.

23. With regards to claim 37, Killian teaches through Klosterman, a computer server program product for remotely programming a media-based device over a network, the computer server program product stored on a computer readable medium, and adapted to perform the operations of a virtual browser, comprising:

receiving a selection of an advertisement of a broadcast program to be aired at a predetermined start time (column 8, lines 5-26, Killian); extracting identification information associated with a user making the selection and with broadcast program (see column 9, lines 10-25 and column 8, lines 5-26, Killian); accessing an online web service using the identification information (equivalent to viewer profile; column 10, lines 1-17, Killian); and invoking the remotely located media-based device at a different physical location from the user (Killian's recording device (element 20, Figure 1) is separate from the database server and the television; see at least Figure 1, Killian. Hence they are not within one device/component nor are they located at the same exact location. They are all remote from one another) to record the broadcast program selected at the predetermined start time (column 8, lines 19-26, Killian).

While Killian does teach the scheduling of the recording of a show through a web interface, Killian does not explicitly cite the selection of an advertisement to start the scheduling of the recording of the programming. In the same field of endeavor, Klosterman also teaches an interactive program guide. Klosterman's design allows for schedule information to be viewed through a computer; see column 1, lines 55-62, Klosterman. While viewing through the computer, the user is allowed to click on an advertisement which allows for the scheduling of the recording of the infomercial/program; see column 2, lines 14-17, Klosterman. By selecting the advertisement for scheduling a recording, the user streamlines the scheduling process by eliminating the need for selecting the desired program

to record. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Killian with those of Klosterman, to allow for the scheduling of the desired program by clicking on an advertisement; see column 2, lines 14-17, Klosterman.

24. With regards to claim 40, Killian teaches through Klosterman, the method wherein allowing automatic programming of the media-based device to record the broadcast program, further comprises: allowing detection of whether the user selected the advertisement previously; and in response to the user previously not selecting the advertisement, enabling the second web site to communicate with the media-based device to record the broadcast program (It is inherent that when a page is not cached, it will retrieve the page associated with the link).

25. The obviousness motivation applied to independent claims 1, 19, 24, 29, 33, 35 and 37 are applicable to their respective dependent claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-5, 8-10, 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killian (US Pat No: US006163316A) in view of Klosterman et al (US Patent No: 5,940,073) and in further view of Slotznick (US Patent No: 6,011,537), hereafter referred to as Killian, Klosterman and Slotznick, respectively.

26. With regards to claim 4, Killian teaches through Klosterman and Slotznick, the method, further comprising: allowing the second website to monitor a count of a number of times the hyperlink is selected; and enabling the second website to periodically collect revenue from the first website based on the count

While Killian and Klosterman tech an interactive program guide, neither explicitly teach the counting of a link selection to collect revenue. In the same field of endeavor, Slotznick also teaches a system for presenting information on devices, including interactive televisions; see column 7, lines 36-37 and 49, Slotznick. Within Slotznick design, it is taught how the clicking of a hyper-link on a website can be counted. This form of advertisement helps collect a fee/revenue; see column 15, lines 37-52, Slotznick. The counting of selected links to earn revenue helps to fund the cost of the service. Therefore it would have been obvious, to one skilled in the art, during the time of the invention, to have combined the teachings of Slotznick with those of Killian and Klosterman, to earn revenue for the service; see column 6, lines 54-57, Klosterman.

27. With regards to claim 5, Killian teaches through Klosterman and Slotznick, the method, wherein the revenue comprises a percentage of advertising revenue associated with the advertisement *(see column 6, lines 54-57, Klosterman and column 15, lines 48-51, Slotznick)*.

While Killian and Klosterman tech an interactive program guide, neither explicitly teach the counting of a link selection to collect revenue. In the same field of endeavor, Slotznick also teaches a system for presenting information on devices, including interactive televisions; see column 7, lines 36-37 and 49, Slotznick. Within Slotznick design, it is taught how the clicking of a hyper-link on a website can be counted. This form of advertisement helps collect a fee/revenue; see column 15, lines 37-52, Slotznick. The counting of selected links to earn revenue helps to fund the cost of the service. Therefore it would have been obvious, to one skilled in the art, during the time of the invention, to have combined the teachings of Slotznick with those of Killian and Klosterman, to earn revenue for the service; see column 6, lines 54-57, Klosterman.

28. With regards to claim 8, Killian teaches through Klosterman and Slotznick, the method, identifying a user selecting the advertisement comprises: allowing identification of a cookie associated with the user; and enabling the cookie to be forwarded to the media-based device *(see column 15, lines 37-47 and column 15, line 66 – column 16, line 8, Slotznick)*.

While Killian and Klosterman tech an interactive program guide, neither explicitly teach the use of cookies. In the same field of endeavor, Slotznick also teaches a system for presenting information on devices, including interactive televisions; see column 7, lines 36-37 and 49, Slotznick. Within Slotznick design, it is taught how the clicking of a hyper-link on a website can be counted. This form of advertisement helps collect a fee/revenue; see column 15, lines 37-52, Slotznick. The information pertaining to the user regarding the advertisement is managed through the use of cookies; see column 15, lines 37-47 and column 15, line 16 - column 16, line 8, Slotznick. The counting of selected links and using the information pertaining to the selection maintained within the cookies help to earn revenue helps to fund the cost of the service. Therefore it would have been obvious, to one skilled in the art, during the time of the invention, to have combined the teachings of Slotznick with those of Killian and Klosterman, to earn revenue for the service; see column 6, lines 54-57, Klosterman.

29. With regards to claim 9, Killian teaches through Klosterman and Slotznick, the method, wherein the cookie is extracted from a client enabled to communicate with the first website *(see column 15, lines 37-47 and column 15, line 66 – column 16, line 8, Slotznick).*

While Killian and Klosterman tech an interactive program guide, neither explicitly teach the use of cookies. In the same field of endeavor, Slotznick also teaches a system for presenting information on devices, including interactive

televisions; see column 7, lines 36-37 and 49, Slotznick. Within Slotznick design, it is taught how the clicking of a hyper-link on a website can be counted. This form of advertisement helps collect a fee/revenue; see column 15, lines 37-52, Slotznick. The information pertaining to the user regarding the advertisement is managed through the use of cookies; see column 15, lines 37-47 and column 15, line 16 - column 16, line 8, Slotznick. The counting of selected links and using the information pertaining to the selection maintained within the cookies help to earn revenue helps to fund the cost of the service. Therefore it would have been obvious, to one skilled in the art, during the time of the invention, to have combined the teachings of Slotznick with those of Killian and Klosterman, to earn revenue for the service; see column 6, lines 54-57, Klosterman.

30. With regards to claim 10, Killian teaches through Klosterman and Slotznick, the method, wherein the cookie is extracted from a computer hosting the first website *(see column 15, lines 37-47 and column 15, line 66 – column 16, line 8, Slotznick).*

While Killian and Klosterman tech an interactive program guide, neither explicitly teach the use of cookies. In the same field of endeavor, Slotznick also teaches a system for presenting information on devices, including interactive televisions; see column 7, lines 36-37 and 49, Slotznick. Within Slotznick design, it is taught how the clicking of a hyper-link on a website can be counted. This form of advertisement helps collect a fee/revenue; see column 15, lines 37-52,

Slotznick. The information pertaining to the user regarding the advertisement is managed through the use of cookies; see column 15, lines 37-47 and column 15, line 16 - column 16, line 8, Slotznick. The counting of selected links and using the information pertaining to the selection maintained within the cookies help to earn revenue helps to fund the cost of the service. Therefore it would have been obvious, to one skilled in the art, during the time of the invention, to have combined the teachings of Slotznick with those of Killian and Klosterman, to earn revenue for the service; see column 6, lines 54-57, Klosterman.

31. With regards to claims 22 and 27, Killian teaches through Klosterman and Slotznick, a method, further comprising: collecting revenue based on the advertisement selected *(see column 15, lines 37-52, Slotzman).*

While Killian and Klosterman tech an interactive program guide, neither explicitly teach the use of cookies. In the same field of endeavor, Slotznick also teaches a system for presenting information on devices, including interactive televisions; see column 7, lines 36-37 and 49, Slotznick. Within Slotznick design, it is taught how the clicking of a hyper-link on a website can be counted. This form of advertisement helps collect a fee/revenue; see column 15, lines 37-52, Slotznick. The information pertaining to the user regarding the advertisement is managed through the use of cookies; see column 15, lines 37-47 and column 15, line 16 - column 16, line 8, Slotznick. The counting of selected links and using the information pertaining to the selection maintained within the cookies help to

earn revenue helps to fund the cost of the service. Therefore it would have been obvious, to one skilled in the art, during the time of the invention, to have combined the teachings of Slotznick with those of Killian and Klosterman, to earn revenue for the service; see column 6, lines 54-57, Klosterman.

Remarks

Applicant's arguments received on September 23, 2010 have been considered but are not deemed fully persuasive. The following are the examiner's response to the applicant's arguments.

First, in lieu of the arguments, claim amendments and after reevaluation of the claim language, the 101 rejection previously issued has been withdrawn. The method claims were found to require essential structure in order to exist. The product claims have been found to contain sufficient structure within the body of the claim.

The second point of contention addressed by the applicant concerns the claim feature of a user remotely enabling recording from a different physical location than the recording device. The applicant contends that neither prior art teaches such a feature, the examiner respectfully disagrees. The language "programming from a remote location" and "a different physical location" does not necessarily mean that the Web or a computer network is entailed. For instance, while a television's remote control is remote from the television, it is not necessarily in a different room or even that far away. A remote control can merely be a foot away from the television. In other words, the claimed language of "remote location" and "a different physical location" is not finite in

scope. Killian's recording device (element 20, Figure 1) is separate from the database server and the television; see at least Figure 1, Killian. Hence they are not within one device/component nor are they located at the same exact location. They are all remote from one another.

The third point of contention addressed by the applicant alleges that neither of the prior art teaches the user remotely enabling recording from a different physical location. The examiner respectfully disagrees with this allegation. First of all, as explained above, the language "remote" and "different physical location" is note finite in scope. Remote could mean a another room, a another country or just another 5 inches away. Killian's recording device (element 20, Figure 1) is separate from the database server and the television; see at least Figure 1, Killian. Hence they are not within one device/component nor are they located at the same exact location. They are all remote from one another. Second, even for the claims that teach the programming through a web/network, such a feature is indeed taught by at least Klosterman. Klosterman teaches data stream being sent to a web browser or a personal computer (pc); see column 4, lines 56-60, Klosterman. To send data to the web browser or personal computer, a web/network is inherently required. In addition, it is further taught how the transmission medium can be optical fiber (fiber optic), cable or telephone (all networks and web mediums); see column 4, lines 45-47, Klosterman. After the show data (the show data can be an advertisement) is sent to the browser/pc, the user is able to click on the advertisement and is able to schedule a recording; see column 2, lines 14-17, Klosterman. Klosterman's design allows the recording device to be a separate device

from the pc; see column 4, lines 56-60, Klosterman. Being a separate device, the recording device must remotely receive the recording command from the web browser/pc. Furthermore, Killian also teaches a record command being sent to the recorder (equivalent to remote programming over a network); see column 2, lines 22-24, Killian.

The fourth point of contention addressed by the applicant alleges that Klosterman does not show selecting an advertisement of a program to record the program itself. The examiner respectfully disagrees. Within at least Klosterman it is taught how a user can click on an ad which results in the recording of the corresponding infomercial; see column 2, lines 14-17, Klosterman. An infomercial is a program.

The fifth point of contention addressed by the applicant alleges that neither prior art teaches "one-click programming". The examiner again respectfully disagrees. As stated before, Klosterman teaches how a user can click on an ad which results in the recording of the corresponding infomercial; see column 2, lines 14-17, Klosterman. This method entails a user simply having to click on an ad once, and recording of the associated broadcast/infomercial commences. This is a method of one-click programming.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele can be reached on (571) 272-7288. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2453

/Krista M. Zele/
Supervisory Patent Examiner, Art Unit 2453